THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 17737 of 2005

-

Dated 10.08.2005

-

Between:

D. Benny Kantham, S/oChandra Kanthayya

.. Petitioner

And

The Mandal Revenue Officer,

Nandivada Mandal, Krishna District.

.. Respondent.

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 17737 of 2005

-

ORAL ORDER:

This writ petition is filed seeking a direction, in the nature of writ of Mandamus, declaring the proceedings No.237/2004 dated 18.06.2005 issued by the respondent, as illegal and ultra vires and consequential direction not to proceed further in the matter.

It is the case of the petitioner that he is the owner of the land of an extent of Ac.2.50 cents situated in R.S.No.686/3 of Elaparru Village, Nandivada Mandal, Krishna District and he has been in possession of the same. While so, the respondent issued notice dated 18.6.2005 inviting explanation as to why the petitioner shall not be dispossessed from the above land. The petitioner submitted explanation on 16.7.2005. The respondent, without considering the explanation, is proceeding further to take immediate possession of the land. Hence the present writ petition.

Heard both the learned Counsel and considered the material on record.

On a perusal of the record, it is apparent that the predecessors of the petitioner obtained no objection certificate in respect of the above land from the

Revenue Divisional Officer, Gudivada for alienating the same in favour of third parties. Subsequently, the petitioner purchased the land in question. While so, the respondent issued the notice impugned and explanation was also submitted by the petitioner. At this stage, without passing final orders on his explanation, the respondent cannot proceed further to disturb possession of the petitioner over the above said land as alleged.

Considering the above facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondent.

Accordingly, the writ petition is disposed of with a direction to the respondent to pass final orders on the explanation submitted by the petitioner dated 16.7.2005 in response to the notice issued by the respondent, dated 18.6.2005, within a period of three months from the date of receipt of a copy of this Order. Till then, the petitioner shall not be dispossessed from the schedule property. No costs.

10th August, 2005

Nn/Bud.